

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

LIDIA JENKINS,

Plaintiff,

No. C05-5126 KLS

v.

PLAINTIFF'S INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(a)(1)

RAY D. BOND and ELISABETH M.
BOND, husband and wife; and BOND
ENTERPRISES, INC., doing business as
OLYMPIC PHARMACY,

Defendants.

Plaintiff Lidia Jenkins, by and through her attorneys Morton McGoldrick, P.S., pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, hereby provide the following initial disclosure. This initial disclosure is based on the information currently available to plaintiff, and plaintiff reserves the right to amend or supplement this disclosure.

1. Disclosure Pursuant to Rule 26(a)(1)(A)

Based on information reasonably available at this time, plaintiff believes that the following individuals may have discoverable information (subject to plaintiff's reservation of all rights of Attorney-Client and Work-Product privileges) that plaintiff may use to support claims

PLAINTIFF'S INITIAL DISCLOSURES PURSUANT
TO FED. R. CIV. P. 26(a)(1) (No. C05-5126 KLS)
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USDC\INITIALDISCL.DOC

1 or defenses raised in the above-captioned action (the "Action"):

2 (a) Lidia Jenkins
3 c/o Morton McGoldrick, P.S.
4 820 "A" Street, Suite 600
Tacoma, WA 98402

5 Ms. Jenkins is the plaintiff. She has knowledge of her employment, termination, requests
6 for FMLA leave, discussions regarding a work-related injury and need to file a claim with L&I,
retaliation, and damages caused by the defendants' wrongful termination and violation of the
FMLA.

7 (b) Ray Bond
8 c/o Ms. Eileen Lawrence
9 Davis Grimm Payne and Marra
701 Fifth Avenue, Suite 4040
Seattle, WA 98104

10 Mr. Bond is an owner of Bond Enterprises, Inc. He has knowledge regarding Ms.
Jenkins' employment and termination.

11 (c) Duncan Hizzy
12 c/o Olympic Pharmacy
13 4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

14 Mr. Hizzy has knowledge of Ms. Jenkins' employment and termination.

15 (d) Krys Paulowski
16 c/o Olympic Pharmacy
4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

17 Mr. Paulowski has knowledge of Ms. Jenkins' employment at Olympic Pharmacy.

18 (e) Jennifer Goemaat
19 c/o Olympic Pharmacy
20 4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

21 Ms. Goemaat has knowledge of Ms. Jenkins' employment at Olympic Pharmacy.
22
23

(f) Charmane Williams
c/o Olympic Pharmacy
4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

Ms. Williams has knowledge of Ms. Jenkins' employment at Olympic Pharmacy.

(g) Vince Pinaroc
c/o Olympic Pharmacy
4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

Mr. Pinaroc has knowledge of Ms. Jenkins' employment at Olympic Pharmacy.

(h) Marvin D. Scott
c/o Olympic Pharmacy
4700 Point Fosdick Dr. NW #120
Gig Harbor, WA 98335

Mr. Scott has knowledge of the number of individuals employed at Olympic Pharmacy and the FMLA forms sent to plaintiff's attorney.

(i) Roseann Croft, ARNP
4700 Point Fosdick Dr. NW
Gig Harbor, WA 98335

Ms. Croft has knowledge of Ms. Jenkins' serious health condition and treatment.

(j) Dali Chen, MD
Endocrinology and Metabolism
1628 S. Mildred Suite 104
Tacoma, WA 98465
253-566-6777

Dr. Chen has knowledge of testing done for Ms. Jenkins' based upon a referral from Roseann Croft.

(k) Yu Zhu, MD
915 Sixth Avenue Suite 200
Tacoma, WA 98405
253-403-7299

Dr. Zhu has knowledge of testing done for Ms. Jenkins' based upon a referral from Roseann Croft.

1 **2. Disclosure Pursuant to Rule 26(a)(1)(B)**

2 Some or all of the following categories of documents in plaintiff's possession, custody or
3 control may be used by plaintiff in support of claims and defenses raised in the Action:

- 4 A. Notes from Roseann Croft dated 10-22-04, 10-29-04, 11-2-04 and 11-4-04;
- 5 B. Referral requisition form from Gig Harbor Multicare Clinic dated 10-29-04;
- 6 C. Report of Dr. Dali Chen dated 11-11-04;
- 7 D. Report of Dr. Yu Zhu dated 11-19-04;
- 8 E. FMLA form completed by Roseann Croft;
- 9 F. Release and Severance offer dated 11-4-04;
- 10 G. Employee Warning Notice dated 11-10-04; and
- 11 H. November 12, 2004, letter to Mr. Bond from Kathleen Pierce.

12 The above materials are likely in the possession of Ray Bond:

13 **3. Disclosure Pursuant to Rule 26(a)(1)(C)**

14 Calculations:

- 15 • Back pay -- Back pay at \$15.50/hour for 40 hours/week from November 24, 2004,
16 to December 16, 2005. Plaintiff actively sought work from November 24, 2004 to
17 approximately mid-March 2005 but in mid-March, plaintiff's doctor diagnosed
18 carpal tunnel syndrome in both left and right arms -- requiring surgery. The doctor
19 further retroactively certified that Plaintiff was disabled from December 16, 2004
20 to the present. Upon doctor's orders, plaintiff underwent surgery March 31, 2005,
21 on the right arm and was unable to work following surgery. Plaintiff is scheduled
22 for surgery on the left arm May 23 and will have a four to six week period of
23 recovery within which she will be unable to work. When plaintiff is released to
return to work, she will continue her search for work and this answer will be
supplemented to include continuing back pay up to the time of trial or the time
that plaintiff secures comparable work with comparable pay and benefits.
- Front pay -- 40 hours per week @ \$15.50 per hour for a reasonable period of time
following trial in the event plaintiff has not found comparable work by that date.

- 1 • Emotional distress -- \$50,000 (This answer may be supplemented to the extent
2 plaintiff's search for work following surgery is unsuccessful and she continues to
experience additional emotional distress as a result of her wrongful termination.)
- 3 • Lost benefits -- the value of the health care coverage plaintiff lost when
4 terminated.
- 5 • Out-of-pocket healthcare costs:
 - 6 ▪ Multicare \$205.65 (\$35, \$72.45, \$50.75, \$47.45)
 - 7 ▪ Regence \$124.88 (\$28, \$8.88, \$28, \$30, \$30)

7 Documents to Support Calculations:

- 8 • Tax returns -- 2002-2004
- 9 • Pay stubs within the possession of the defendants.
- 10 • Time cards within the possession of the defendants.
- 11 • Four statements from Multicare.
- 12 • Four statements from Regence.

11 **4. Disclosure Pursuant to Rule 26 (a)(1)(D)**

12 Not applicable.

13 DATED this 12th day of May, 2005.

15 s/ Kathleen E. Pierce

16 KATHLEEN E. PIERCE, WSBA #12631
MORTON MCGOLDRICK, P.S.
Attorneys for Plaintiff

CERTIFICATION OF SERVICE

I certify that on May 12, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served by:

☐ facsimile

☐ e-mail

☐ delivery to ABC Legal Services for hand-delivery

☒ U.S. Mail

A true and correct copy of the foregoing pleading upon:

Eileen M. Lawrence
Davis Grimm Payne and Marra
701 Fifth Avenue, Suite 4040
Seattle, WA 98104

s/ Kathleen E. Pierce
KATHLEEN E. PIERCE, WSBA #12631
Morton McGoldrick, P.S.
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Post Office Box 1533
Tacoma, WA 98401-1533
Telephone: (253) 627-8131
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